

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
SOUTHERN DIVISION
No. 7:18-CV-158-D

CHARLES ALFRED HILL,

Plaintiff,

v.

SOUTHEASTERN MEDICAL CLINIC,
and DR. ROBERT L. HOLLINGSWORTH,

Defendants.

ORDER

On August 28, 2018, Charles Alfred Hill (“Hill” or “plaintiff”), appearing pro se, applied to proceed in forma pauperis under 28 U.S.C. § 1915 [D.E. 1]. On August 30, 2018, the court referred the motion to Magistrate Judge Swank for frivolity review [D.E. 4]. On March 15, 2019, Magistrate Judge Swank granted Hill’s motion to proceed in forma pauperis and ordered Hill to particularize his complaint [D.E. 5]. On April 5, 2019, Hill filed numerous medical records to supplement his complaint [D.E. 6]. On April 22, 2019, Magistrate Judge Swank issued a Memorandum and Recommendation (“M&R”) and recommended that the complaint be dismissed for lack of subject-matter jurisdiction [D.E. 7]. On May 6, 2019, Hill responded to the M&R [D.E. 8].

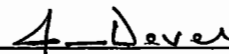
“The Federal Magistrates Act requires a district court to make a de novo determination of those portions of the magistrate judge’s report or specified proposed findings or recommendations to which objection is made.” Diamond v. Colonial Life & Accident Ins. Co., 416 F.3d 310, 315 (4th Cir. 2005) (emphasis, alteration, and quotation omitted); see 28 U.S.C. § 636(b). Absent a timely objection, “a district court need not conduct a de novo review, but instead must only satisfy itself that

there is no clear error on the face of the record in order to accept the recommendation.” Diamond, 416 F.3d at 315 (quotation omitted).

The court has reviewed the M&R, the record, and Hill’s objections. As for those portions of the M&R to which Hill made no objection, the court is satisfied that there is no clear error on the face of the record. As for the objections, the court has reviewed the objections and the M&R de novo. Hill failed to establish subject-matter jurisdiction, and the court overrules his objections. Accordingly, the court adopts the conclusions in the M&R [D.E. 7].

In sum, Hill’s complaint is DISMISSED for lack of subject-matter jurisdiction. The clerk shall close the case.

SO ORDERED. This 13 day of May 2019.



JAMES C. DEVER III
United States District Judge